

OFFICE OF INDEPENDENT REVIEW

**REPORT FOR THE PERIOD OF
OCTOBER 1, 2018 TO DECEMBER 31, 2018**

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ABOUT THE OFFICE OF INDEPENDENT REVIEW

The Office of Independent Review (OIR) works to strengthen community trust in the Fresno Police Department (FPD) by providing a neutral, third-party review of police policies, procedures, strategies, and Internal Affairs (IA) investigations. The OIR operates independently of the FPD and will provide City leaders and the public with an objective analysis of policing data, actions, and outcomes. The OIR analyzes complaints filed by citizens and those initiated by the department to ensure they have been investigated fairly and thoroughly. Periodically, the OIR will provide an objective analysis of individual units within the FPD to ensure compliance with policy and procedure, best practices, and the law. This includes recommendations and findings to increase thoroughness, quality, and accuracy of each police unit reviewed.

The work of the OIR is guided by the following principles:

- Independence
- Fairness
- Integrity
- Honesty
- Transparency
- Participation of Stakeholders, both internally and externally
- Acceptance, Cooperation, and Access
- Obedience to Legal Constraints

In addition, a Citizens' Public Safety Advisory Board, hereafter referred to as the Board, works to enhance trust, accountability, transparency, and promote higher standards of services in the FPD. This will increase public confidence in the FPD and work to strengthen and ensure the application of equal protection under the law for everyone in the City of Fresno. The Board also advises the Independent Reviewer (IR) in helping to define, assess, and further develop Community Based Policing citywide.

The Board is comprised of nine individuals appointed by Mayor Lee Brand. The Board members represent the diversity of the community. In addition, there are five non-voting members serving the Board in an advisory capacity. The non-voting members represent the FPD, Fresno Peace Officers' Association, City Attorney's Office, Fresno County District Attorney's Office, and Mayor Brand's Office.

OIR REPORT FORMAT

The OIR adheres to the following guidelines, format, and definitions in all quarterly reports:

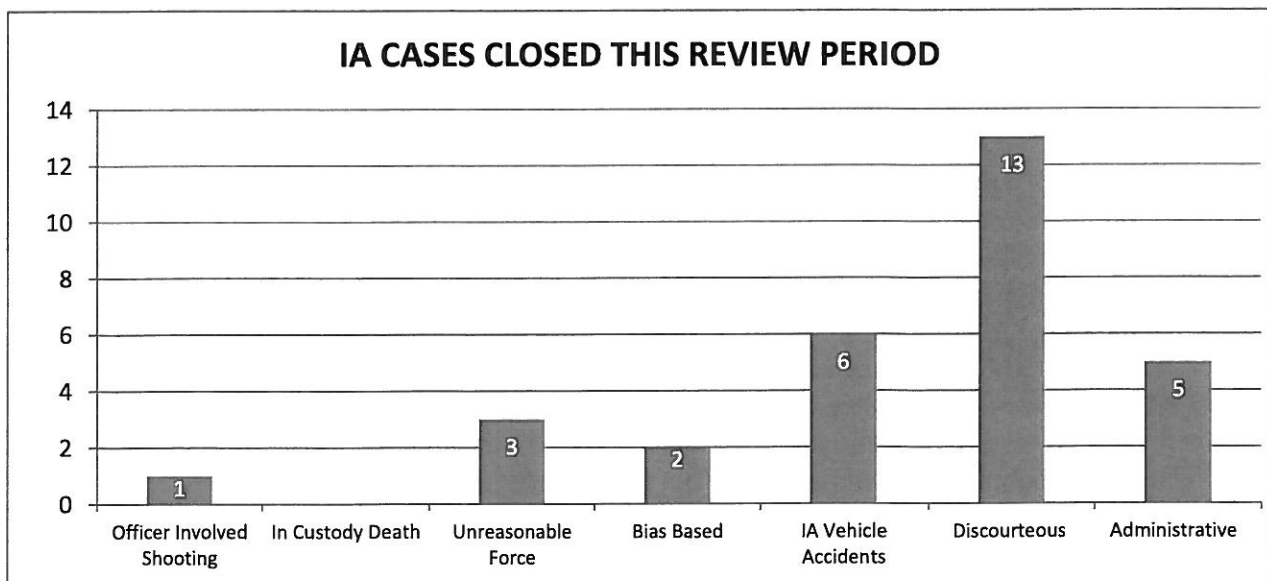
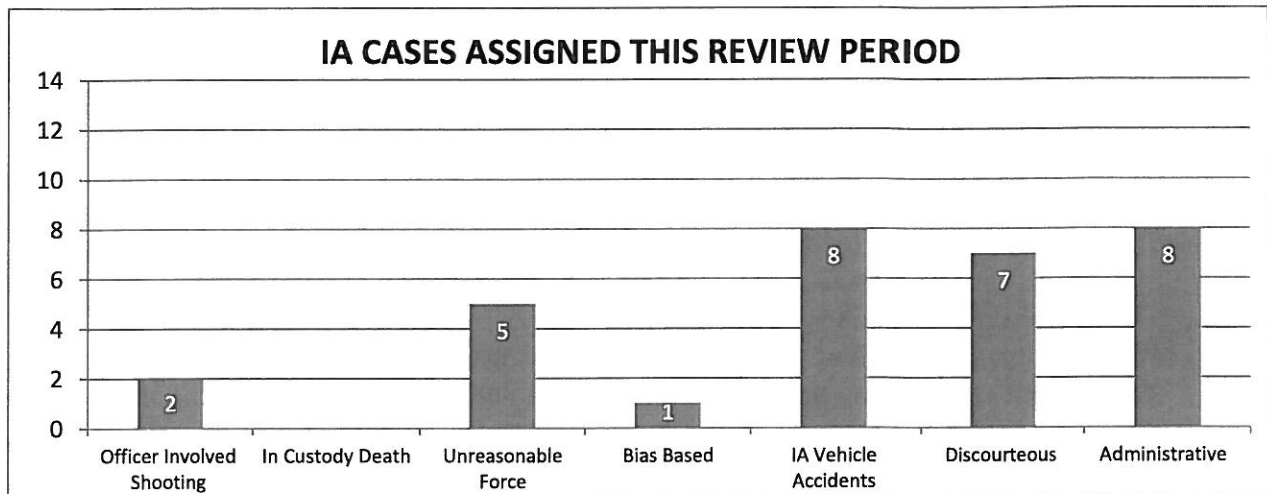
- Definitions for the terms used are consistent with the definition of terms used in California Legislative documents and the FPD.
- Officers are referred to as “O” and where there is more than one officer involved they will be identified as O1, O2, and so on depending on the total number of officers.
- The charts are grouped by incident type and cases appear in order of case number.
- The incident type charts list all cases which were pending, assigned, or closed during the review period, and where applicable a Year to Date (YTD) chart will be listed.
- All cases in which the FPD IA determined the officer(s) was Exonerated, Unfounded, or Not Sustained are reviewed by the OIR. The findings reached by the OIR for these cases will also be listed. If IA and the OIR have not reached the same decision the OIR explanation will appear following the chart. Cases in which IA deemed officer(s) Sustained will not be reviewed by the OIR.
- All closed Informal Complaint cases, which were addressed by supervisors, are also reviewed by the OIR.
- Cases are not reviewed by the OIR until IA has completed their investigation and the case is classified as closed by IA, thus allowing for all information to be reviewed.
- In the event the OIR proposes a recommendation or corrective action, it will appear directly following the chart summarizing the cases within the specific incident type.
- Recommendations or corrective actions which are not directly related to a charted incident type will appear at the end of the report prior to the summary.
- Activities of the Board and Community Coordinator will appear before the summary.
- The report is released to Mayor Lee Brand, City Manager Wilma Quan-Schechter, Chief Assistant City Attorney Francine M. Kanne, and Chief Jerry Dyer, prior to finalization. This allows the respective parties an opportunity to respond to recommendations and/or findings, and those responses may be included in the final report. However, their reviews and responses will not alter the recommendations or corrective actions made by the OIR. Responses will appear following the summary.
- If the FPD implemented policy or procedure change(s) in response to the OIR's recommendation(s) listed in the previous quarterly report, the change(s) will be addressed in the section titled “Status of OIR Recommendations.”
- ➔ • Beginning with this report, cases will be listed as SUSP (Suspended) if the officer or employee who was named in the complaint is no longer employed by FPD. Previously the cases were listed when initially assigned to an investigator. However when the officer or employee's employment status changed the cases were no longer listed which created doubt on their status. The FPD still reviews the information to improve training and/or policies and procedures when applicable. In view of the fact the officers or employees are no longer with FPD the cases will not be reviewed by the OIR.

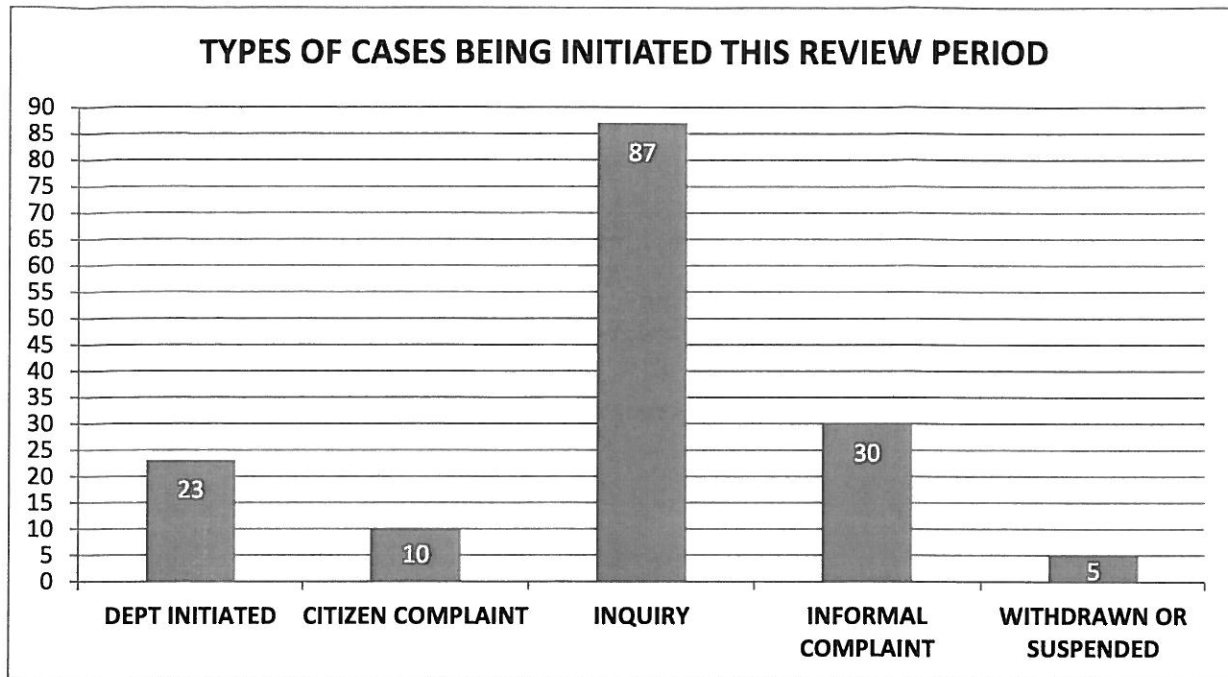
STATUS OF OIR RECOMMENDATIONS

The third quarter OIR review did not find issues which required recommendations to be made in the quarterly report. Therefore, a response was not issued by the FPD for this report.

REVIEW OF INTERNAL AFFAIRS INVESTIGATIONS

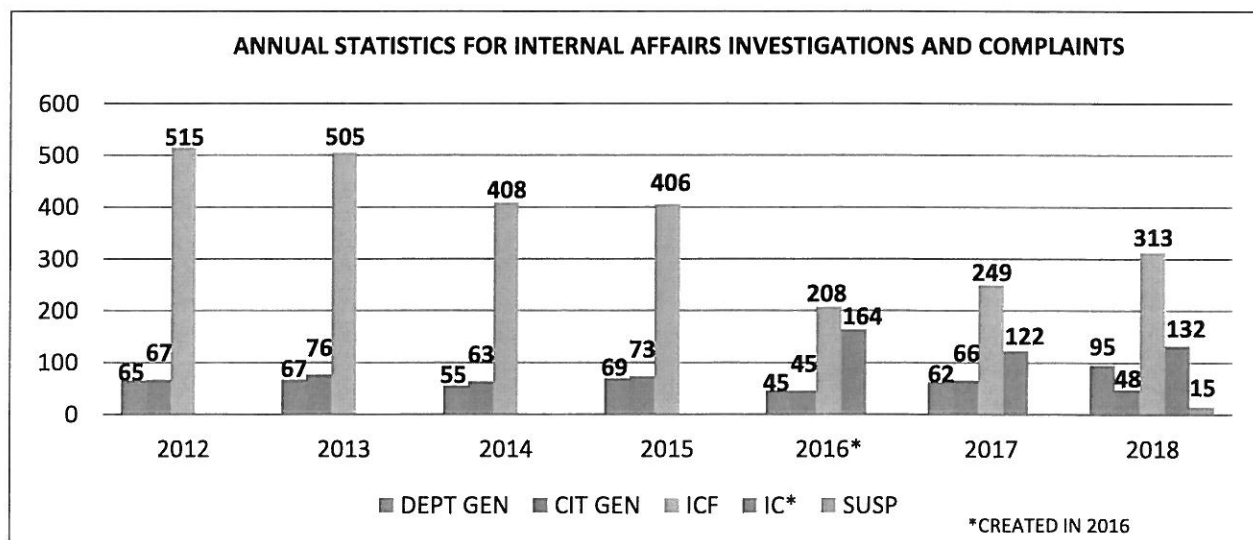
The following charts list the number and types of IA cases assigned and closed during the fourth quarter of 2018. For classification purposes Discourteous Treatment also includes cases in which the officer was accused of conduct unbecoming of a police officer. The classification of Administrative Matters includes officers accused of violating policies or procedures which do not involve responding to a call for service or interacting with the public.





Inquiry: An inquiry involves a question about the policy or procedures of the FPD. Inquiries may be documented via an Inquiry Complaint Form (ICF).

Informal Complaint: A matter which can be handled at the supervisor level within a district/division and is not reasonably likely to result in disciplinary measures. Generally, complaints handled via this process include minor allegations or general violations. A finding of Sustained, Not Sustained, Unfounded, or Exonerated is required.



COMPLAINTS ASSIGNED BY POLICING DISTRICT

The following chart reflects the complaints assigned by policing district for the fourth quarter of 2018 and the total of all quarters for 2018. The first quarter of 2018 was the first time this comparison had been published since the OIR was established in 2009. The purpose of displaying the below is to show the residents of the City of Fresno the level of transparency Mayor Brand and Chief Dyer are working to achieve.

COMPLAINTS ASSIGNED BY POLICING DISTRICTS FOR THE FOURTH QUARTER OF 2018									
ASSIGNED	NE	NW	SE	SW	CENT	NON DISTRICT	COMCEN	WITHDRAWN/ SUSPENDED	TOTAL
IA CASES	8	8	5	4	3	6	0	4	34
INFORMAL COMPLAINTS	4	2	8	6	2	8	0	0	30
INQUIRIES	19	8	14	22	21	2	1	0	87
4 th QTR TOTAL	31	18	27	32	26	16	1	4	151

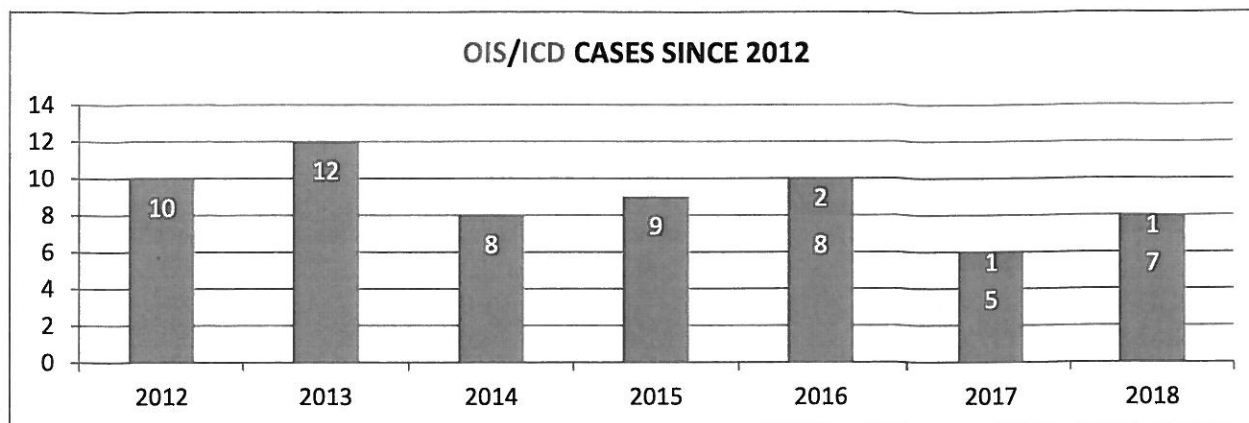
EXPLANATION OF TERMS IN CHART	
NE	NORTHEAST
NW	NORTHWEST
SE	SOUTHEAST
SW	SOUTHWEST
CENT	CENTRAL
NON-DISTRICT	NOT ATTRIBUTED TO A SPECIFIC DISTRICT (OFF-DUTY, ETC)
COMCEN	COMMUNICATION CENTER (DISPATCH)
WITHDRAWN/ SUSPENDED	COMPLAINT WAS WITHDRAWN BY CP OR EMPLOYEE IS NO LONGER AT FPD

EXPLANATION OF TERMS AND ABBREVIATIONS	
UNF	UNFOUNDED: THE INVESTIGATION CLEARLY ESTABLISHED THE ALLEGATION WAS NOT TRUE. COMPLAINTS WHICH ARE DETERMINED TO BE FRIVOLOUS WILL FALL WITHIN THE CLASSIFICATION OF UNFOUNDED [PENAL CODE 832.5(C)]
EX	EXONERATED: THE INVESTIGATION CLEARLY ESTABLISHED THE ACTIONS OF THE PERSONNEL WHICH FORMED THE BASIS OF THE COMPLAINT DID NOT VIOLATE THE LAW OR FPD POLICY
NS	NOT SUSTAINED: THE INVESTIGATION FAILED TO DISCLOSE SUFFICIENT EVIDENCE TO CLEARLY PROVE OR DISPROVE THE ALLEGATION WITHIN THE COMPLAINT
SUS	SUSTAINED: THE INVESTIGATION DISCLOSED SUFFICIENT EVIDENCE TO PROVE THE TRUTH OF THE ALLEGATION IN THE COMPLAINT BY THE PREPONDERANCE OF THE EVIDENCE.
P	PENDING: THE INVESTIGATION HAS NOT BEEN COMPLETED
O	OFFICER: IF FOLLOWED BY A 1, 2, 3, ETC., INDICATES MORE THAN ONE OFFICER WAS BEING INVESTIGATED
RAI	REQUESTED ADDITIONAL INFORMATION WAS MADE BY OIR BEFORE A DECISION COULD BE MADE
NR	NOT REVIEWED: OIR DID NOT REVIEW THE CASE DUE TO FPD FINDING OF SUSTAINED
CP	COMPLAINING PARTY: THE PERSON WHO FILED THE COMPLAINT
SUSP	SUSPENDED: THE OFFICER/EMPLOYEE RESIGNED OR RETIRED PRIOR TO THE CONCLUSION OF THE INVESTIGATION
DATE ASSIGNED IS THE DATE THE CASE WAS ASSIGNED TO AN IA INVESTIGATOR, NOT THE ACTUAL DATE OF OCCURRENCE	

OFFICER INVOLVED SHOOTING (OIS) AND IN CUSTODY DEATHS (ICD)					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
18-0006	1/13/2018	10/31/2018	W/IN POL	W/IN POL	O FIRED AT DOM VIOLENCE SUSPECT - NON FATAL
18-0038	3/20/2018	P			DEPT ALLEGED AN IN CUSTODY DEATH
18-0097	7/21/2018	P			SUBJECT FIRED AT RESIDENTS AND OFFICERS- FATAL
18-0108	8/14/2018	P			O SHOT SUBJ ARMED WITH KNIFE & FIREARM-FATAL
18-0132	10/18/2018	P			O SHOT SUBJ ARMED WITH A HANDGUN
18-0139	11/12/2018	P			O SHOT KNIFE WIELDING SUSPECT WHO CHARGED Os

LOCATION OF OFFICER INVOLVED SHOOTINGS FOR 2018





During the fourth quarter of 2018 one OIS investigation was completed, closed, and then reviewed by the OIR. During the same period there were two new OIS investigations opened and assigned.

As indicated in the chart on page eight, the FPD IA determined the officers were within policy in the completed OIS case. In order to better understand the basis for the findings made by the FPD IA and OIR, the FPD policies along with the applicable United States Supreme Court cases should be reviewed. The respective policies and court cases are summarized below:

FPD POLICY 300 USE OF FORCE POLICY 300.1

“It is the policy of the Department that officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to accomplish a legitimate law enforcement purpose.

PURPOSE AND SCOPE

The purpose of this policy is to provide officers of the Department with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each officer is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

The "reasonableness" of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that police officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.”

POLICY 300.4 OBJECTIVELY REASONABLE FORCE:

“Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect an arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the

person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance (Penal Code §835a).

“The legal standard recognizes that Peace Officers are often required to make split second judgments and rapidly respond to dynamic situations that are tense, uncertain, rapidly evolving, and potentially dangerous. Members shall evaluate each situation in light of the known circumstances and apply an appropriate use of force calculated to accomplish a legitimate law enforcement mission. In all cases, members shall consider the seriousness of the crime, the level of resistance, and the apparent threat to the safety of the community, the arresting officer, and the person or persons to be detained. The degree of force used will be that which is objectively reasonable to bring individual situations under control. The degree of force and the manner of its application shall be consistent with the training the member has received relative to its use and application.”

POLICY 300.4.1 CONSTITUTIONAL GUIDELINES FOR REASONABLE FORCE

“Both Federal and State law authorize Peace Officers to use objectively reasonable force to accomplish a legitimate law enforcement mission. There are five recognized objectives that serve as the basis for the reasonableness of any police use of force. The five lawfully recognized objectives are:

- (a) Self-defense;
- (b) Defense of others;
- (c) Effect an arrest or detention;
- (d) Prevent an escape; or
- (e) Overcome resistance.

Due to the immediacy with which a member must apply force, together with the absence of time and/or physical ability of the member to select alternative methods, it may be objectively reasonable for the member to apply that method of force most readily available that will affect the desired results.”

POLICY 300.4.2 JUSTIFICATION - KNOWN FACTS

The decision to use force, including deadly force, must be made based solely on the facts known to the member at the time force is used. Justification for the use of force shall be based on the situation as it reasonably appeared to the member(s) directly involved in its application. Facts unknown to the member at the time, no matter how compelling, cannot be considered later in determining the reasonableness of the member's decision to use force.

POLICY 300.6 DEADLY FORCE APPLICATIONS

“As used in all Department documents, the terms "deadly force" and "lethal force" are used interchangeably and have the same meaning.

The intentional discharge of a firearm at an individual, with the exception of those firearms dedicated to less lethal munitions, constitutes deadly force. Deadly force is force that creates a substantial risk of causing death or serious bodily injury. While the discharge of a firearm is expressly considered deadly force, other force might also be considered deadly force if the officer reasonably anticipates and intends that the force applied will create a substantial likelihood of causing death or serious bodily injury.”

POLICY 300.6.1 GUIDELINES

“An officer may use deadly force:

- (a) To protect himself/herself or others from what he/she reasonably believes would be an immediate threat of death or serious bodily injury.
- (b) To effect the arrest or prevent the escape of a suspected felon in the following circumstances:
 - 1. Where the officer has probable cause to believe the suspect has committed a felony involving the infliction or threatened infliction of serious bodily injury or death; and
 - 2. The officer reasonably believes there is a substantial risk of serious bodily injury or death to others if the suspect is not immediately apprehended; and
- (c) To stop a dangerous animal.
 - 1. Exception: An officer may shoot an animal that so badly appears injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

Officers shall, when practical, identify themselves and state their intention to shoot before using a firearm.”

The following United States Supreme court decisions were also considered to determine if the force used was within policy:

Graham vs. Connor, 490 U.S. 396 (1989), which held that courts must look at whether the officer's actions were reasonable based on the information and circumstances confronting that officer at the time. The court stated that the 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation. Not the best decision, only a reasonable decision.

Tennessee vs. Garner, 471 U.S. 1 (1985), is a civil case in which the Supreme Court of the United States held that, under the Fourth Amendment, when a law enforcement officer is pursuing a fleeing suspect, the officer may not use deadly force to prevent escape unless "the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.” It was

found that use of deadly force to prevent escape is an unreasonable seizure under the Fourth Amendment, in the absence of probable cause that the fleeing suspect posed a physical danger.

The following are the OIR reviews of the cases in which the FPD IA investigations were completed during the fourth quarter of 2018. In order to maintain the confidentiality afforded to the FPD officers under the California Peace Officer's Bill of Rights, and to preserve certain tactical actions used for officer safety, the below is a redacted review of the hundreds of pages of reports and documents in the IA investigative files. In addition to the written reports, the review of the IA files included, but was not limited to, numerous hours of video and audio recordings of interviews of officers, witnesses, and body worn cameras (BWC).

IA2018-0006: On January 12, 2018, at 11:07 PM, a request for FPD response was initiated by several 9-1-1 calls by the subject's wife. The request for FPD action was due to her husband being intoxicated and arguing with her. Officers were on scene within seven minutes of the 9-1-1 calls. Shortly after arriving on scene, officers established a perimeter and began communicating with the subject. This was done by either talking through the closed security screen on the front door or through a partially open exterior window of the room where the subject was located. The couple's five year old child was also located in the same room with the subject.

Officers tried to convince the subject to allow his child to exit the residence but the subject declined each request made by the officers. The subject was observed pacing back and forth within the room and at one point he retrieved a pistol from a cabinet. BWC video and audio clearly recorded an officer telling the subject to "drop the gun." The officer repeated this command four times to which the subject replied "no" to the first three commands and profanity to the fourth command. The officer then stated "It's not worth it, drop the gun." Again the subject refused and the officer once again stated "drop the gun."

It was at this point the officer observed the subject step out onto the raised concrete porch area but still behind the steel security screen which was now partially open. The officer observed a gun in the subject's right hand which he raised after again being told to drop it by the officer. At this point the officer feared for the safety of the couple's child, the other officers on scene who had established a perimeter, and himself, he fired three shots, striking the subject twice. The shots were fired at 12:16 AM, an hour and two minutes after the first officers arrived on scene.

The subject was immediately secured and began receiving medical aid for his non-fatal wounds. At this point the weapon he was carrying was visually examined. It was determined it was a replica (non-firing) weapon. A review of the detailed photographs taken by the crime scene technicians showed a pistol which appeared to be an actual functioning weapon. An officer would not be able to determine if the weapon was a replica simply by viewing it from a distance.

A follow-up interview was conducted at the hospital and recorded by an officer's BWC. After being advised of his rights per Miranda, the subject admitted to having a replica gun in his hand when he opened the door and stated "it was my fault for messing around with the replica."

In view of the actions of the subject exiting the residence with the weapon in his hand and refusing to drop the weapon, the officer was in fear for the safety of the child, the other FPD officers on scene, and himself, the Use of Force Policies were applicable in this situation. The officer fired the minimum rounds necessary to stop the threat. Immediately after the threat was stopped medical aid was provided to the subject. Additionally, the FPD officers calmly engaged with the subject for over an hour in an attempt to de-escalate the situation. However, the subject made a conscious decision to exit the residence with a weapon in his hand and refused at least six commands to drop the weapon.

In addition to the FPD applicable policies, the Supreme Court case of *Graham vs Connor* is also applicable as the officers' actions "were reasonable based on the information and circumstances confronting that officer at the time." The suspect presented a weapon and refused commands to drop the weapon.

Following the thorough review by the OIR, this OIS was determined to be **Within Policy**.

UNREASONABLE FORCE					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
18-0013	1/29/2018	12/5/2018	EX	SUS*	CP ALLEGED O USED UNREASONABLE FORCE
18-0086	7/9/2018	11/5/2018	UNF	UNF	CP ALLEGED O USED UNREASONABLE FORCE
18-0106	8/2/2018	P			DEPT ALLEGED O USED UNREASONABLE FORCE
18-0110	8/30/2018	10/3/2018	SUSP	NR	CP ALLEGED O USED UNREASONABLE FORCE
18-0114	9/11/2018	11/13/2018	NS & UNF	NS & UNF	CP ALLEGED O USED UNREASONABLE FORCE
18-0116	9/11/2018	P			CP ALLEGED O USED UNREASONABLE FORCE
18-0119	9/19/2018	P			CP ALLEGED O USED UNREASONABLE FORCE
18-0135	10/22/2018	P			CP ALLEGED HANDCUFFS WERE TOO TIGHT
18-0143	11/19/2018	P			CP ALLEGED OFF-DUTY O USED UNREASONABLE FORCE
18-0146	12/6/2018	P			CP ALLEGED UNK Os USED UNREASONABLE FORCE AT FAIR
18-0151	12/7/2018	P			CP ALLEGED O USED UNREASONABLE FORCE
18-0152	12/7/2018	P			CP ALLEGED O USED UNREASONABLE FORCE AND ILLEGAL ENTRY

***IA2018-0013:** On December 1, 2017, at approximately 10:50 PM, the California Highway Patrol (CHP) air support unit (H40) made a radio broadcast on the FPD's radio channel requesting FPD officers stop a vehicle that was possibly involved in a shooting. H40 guided the

responding officers to a dirt road where the vehicle had stopped. Six FPD officers arrived and conducted a high-risk stop on the vehicle.

Several officers had activated their BWC while the driver, hereafter referred to as the suspect, was ordered from the vehicle, and detained by FPD. However, due to the placement of the BWC on the right shoulder of several officers, the cameras were obscured by rifle stocks when the officers shouldered their weapons. Thus, the images captured were only of the stock of the weapon for much of the incident. However, the audio recordings were not impacted by the placement of the weapons.

Video images of the suspect were not captured until the suspect reached the area near the right front of the primary patrol car conducting the stop. The suspect was looking over both shoulders and in the direction of the officers who were positioned behind him on both sides. The commands given by the officer instructing the suspect to keep his hands raised were clear and concise. The suspect kept asking "what did I do wrong" while physically complying with the commands. Although there were no images captured of the suspect prior to reaching the front of the patrol car the video showed he maintained his hands at ear level or higher once he came into view.

Once the suspect reached the area near the right front of the patrol car he was told to step back twice and directed to stop and get down on his knees. Because he continued to ask questions, he spoke at the same time commands were being directed at him. Therefore, he was not complying quickly with the officer giving commands. Although he was not physically responding to commands in a timely manner, the suspect did not verbally respond in a negative manner to any command made by officers. The suspect continued stating "I want to know what I did wrong." The suspect repeated this at the same time he was given commands to get down on his knees. The officer gave the command as he stepped forward to the rear of the suspect. It appeared the officer was prepared to deliver a kick/strike to the back of the suspect's leg in order to get him to his knees. It should be noted this action is an acceptable use of force when dealing with a high risk situation where the suspect is not complying with commands to get on their knees.

In the BWC video the officer is seen moving forward towards the suspect while repeating the command for the suspect to get down on his knees twice. The suspect can be seen looking back over his left shoulder at the direction of the approaching officer. At that moment the suspect stated "I am a tax paying citizen, what did I do wrong?" The officer had already started his movement of a strike to the back of the suspect's leg when the suspect began to go down to his knees on his own. Therefore the officer's strike did not make direct contact and just grazed the leg of the suspect before he went down on his knees and then flat on his stomach and chest. The suspect did not drop his hands below the level of his ears while backing up towards the officer or as the officer assisted him to his knees. Once flat on the ground the suspect was handcuffed by the officer. The suspect did not offer any physical resistance to the handcuffing. As the officer reached the suspect another officer could be heard stating the suspect had a knife in his right pocket.

Immediately after the handcuffs were applied the officer grabbed the left wrist of the suspect while he was still face down and dragged him back approximately five feet. The suspect was not

told to stand up after being handcuffed and there was no attempt made by the officer to have him stand up. The ground surface where the suspect was handcuffed was described as loose dirt and gravel by the officer. After being dragged several feet the suspect was then assisted to his feet by the officer. At this point the officer conducted a pat down search and placed the suspect in the back seat of a nearby patrol car. Another officer, who was in close proximity to the officer who handcuffed the suspect, stated the suspect was not physically resisting but was verbally resisting and did look back while dropping his hands. The BWC video did show the suspect looking back once he reached the patrol car, but it did not support the claim the suspect was dropping his hands.

The suspect alleged three types of unreasonable force were used against him; the first allegation was the officer kicked him. As previously stated, the officer was about to apply an accepted level of use of force by striking the back of the suspect's leg due to his hesitation to comply with the command to go to his knees. The video when viewed in slow motion showed the suspect beginning to go to his knees as the officer was about to place his foot/leg to the back of his leg. Because the suspect started to bend his legs and lean forward as the officer attempted to apply pressure to the back of the suspect's leg, the officer did not make direct contact, and there was little, if any, impact to the suspect's leg. If the suspect had complied with the command to go to his knees when the command was first given there would not have been a need to apply the kick to the back of his legs. Therefore, this allegation of unreasonable force is **Exonerated**.

The second allegation was the officer rubbed the suspect's face into the ground. The video showed the officer placing his knee on the suspect's back to apply pressure in an effort to keep him on the ground until the handcuffing was completed. The video did not show movements which were not directly associated with applying handcuffs. Once the handcuffs were applied the officer stood up quickly and began dragging the suspect. The suspect was wearing a baseball cap during the incident with FPD. The cap remained on his head during the entire incident and when he stood up after being handcuffed the cap was still on his head with the bill still facing forward and only slightly off-center which disproves this allegation. Therefore, the OIR finding for this portion of the allegation is **Exonerated**.

The suspect also alleged he was dragged while handcuffed on the ground by an officer. The handcuffing officer stated the reason for him dragging the suspect was to provide both of them protective cover from the suspect's vehicle. There was at least one occupant still in the vehicle. The officer's report also stated the suspect said "No" when asked to go to his knees. Neither BWC audio from the two officers who were nearest to the handcuffing officer captured a response of "No" from the suspect although other responses and questions from him were recorded. From a tactical standpoint the safest place if faced with someone with a weapon is behind the engine block of a vehicle. However, the cameras displayed the area to where the suspect was dragged did not provide additional cover to either the officer or the suspect. Based on video from two BWCs the area was still in the open within a direct line of sight of the suspect's vehicle. Additionally, the height of the suspect, 5'10", exceeded the height of the standard roof of patrol car, 4'10", by one foot, and exceeded the height of the hood above the engine, which is 3'4", by more than two feet. Therefore, dragging the suspect to acquire cover was not substantiated based on the alignment of the patrol car to the suspect's vehicle. Additionally, the suspect was immediately stood up exposing him due to his height.

Although the officer stated the intent was to move behind the vehicle's engine, another possible explanation for dragging the suspect would have been to move behind the glare of the spotlights which was directed at the suspect's vehicle. However, in view of the fact the suspect did not physically resist the actions of the officer; the suspect should have been stood up and walked back instead of dragging him, thus covering the needed distance quicker. Per FPD Policy 300.4, Objectively Reasonable Force, *"The degree of force used will be that which is objectively reasonable to bring individual situations under control."* Once the CP was handcuffed the need for the use of force had ceased in view of his physical compliance. Therefore, the allegation of unreasonable force being used to drag the CP after being handcuffed is **Sustained**.

Two other FPD officers are worthy of being recognized for the professionalism and compassion displayed during this incident. When the remaining passenger was removed from the suspect's vehicle she was noticeably upset and frightened. The officer who detained her spoke to her in a calm and compassionate manner in an effort to ease her fears. He explained in detail why the high risk stop was conducted. The passenger's demeanor was quickly changed from being upset to calmly comprehending the information being provided to her by the officer.

It was later determined the suspect had stopped his vehicle in front of the home of where his passenger lived. The officer made contact with the passenger's father who had exited the home after noticing the large police presence and activity. Although the father observed his adult daughter in handcuffs, the officer explained the situation in such a manner the father shook the officer's hand and stated he understood the officers were doing their job. The father then requested to speak to his daughter which the officer permitted. However, the daughter responded by using profanity and told her father to go back into the home. The officer politely suggested the daughter treat her father with respect, to which she declined. The father was appreciative of the officer's comments and responded by saying "Go ahead, take her to jail." It was later learned the daughter had an outstanding warrant which resulted in her arrest.

Recommendation #1: Several BWCs were obscured due the officers using rifles which blocked the cameras affixed to their dominate side shoulders. This is not the first incident where BWC cameras were blocked when officers were deploying rifles in high risk incidents. The FPD should consider having the BWC affixed to the opposite shoulder of the dominate hand unless the officer is using an eyeglass mounted BWC.

The remaining cases listed in the Unreasonable Force chart, which were closed during the fourth quarter, were reviewed to confirm the IA findings of Not Sustained, Exonerated, or Unfounded being the correct findings. The review confirmed the IA findings were appropriate.

BIAS BASED					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
18-0074	6/20/2018	10/5/2018	UNF/EX/EX	UNF/EX/EX	CP ALLEGED TRANSGENDER DISCRIMINATION
18-0136	10/22/2018	12/5/2018	UNF	UNF	CP ALLEGED RACIAL BIAS BASED PROFILING

The Bias Based cases were reviewed to determine if the IA findings were appropriate. Following a thorough review the IA findings were found to be appropriate.

DISCOURTEOUS TREATMENT OR CONDUCT UNBECOMING OF A POLICE OFFICER					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
17-0127	12/19/2017	P			CP ALLEGED CALL TAKER WAS RUDE & CONDESCENDING
18-0051	5/1/2018	10/11/2018	SUS	NR	DEPT ALLEGED O INVOLVED IN OFF-DUTY ISSUE
18-0060	5/18/2018	10/29/2018	SUS	NR	DEPT ALLEGED SGT SEXUALLY HARASSED O
18-0061	5/18/2018	12/6/2018	NS & UNF	NS & UNF	CP ALLEGED EMP CREATING HOSTILE WORK ENVIR
18-0067	6/7/2018	P			DEPT ALLEGED O1 & O2 VIOLATED PURSUIT POLICY
18-0077	6/20/2018	10/11/2018	SUS	NR	DEPT ALLEGED O APPEARED IN CIVIL COURT IN UNIFORM
18-0078	6/20/2018	10/11/2018	SUS	NR	DEPT ALLEGED Os MISSED FIREARM ON ARRESTEE
18-0079	6/20/2018	P			CP ALLEGED O IMPROPERLY TARGETED GANG MEMBERS
18-0081	7/9/2018	10/11/2018	SUS	NR	DEPT ALLEGED O WAS ARRESTED FOR OFF-DUTY DUI
18-0082	7/9/2018	P			DEPT ALLEGED OFF-DUTY O WAS INVOLVED IN DOM VIOLENCE
18-0085	7/9/2018	10/5/2018	SUSP	NR	CP ALLEGED O WAS DISCOURTEOUS
18-0090	7/17/2018	11/13/2018	NS & UNF	NS & UNF	CP ALLEGED FPD IS CONSPIRING AGAINST HER
18-0094	7/17/2018	P			DEPT ALLEGED O WAS INVOLVED IN DV MATTER
18-0098	7/23/2018	10/11/2018	UNF	UNF	O ALLEGED OFF-DUTY O MADE RACIAL COMMENT
18-0099	7/23/2018	P			DEPT ALLEGED OFF-DUTY O WAS INVOLVED IN DV
18-0104	8/1/2018	10/25/2018	SUS	NR	DEPT ALLEGED O HAD OFF-DUTY NEG DISCHARGE
18-0111	8/30/2018	10/18/2018	EX	EX	DEPT ALLEGED OFF-DUTY O INVOLVED IN ROAD RAGE
18-0112	9/10/2018	11/21/2018	EX	EX	CP ALLEGED Os TREATED CP UNFAIRLY DUE TO PAST
18-0115	9/11/2018	12/5/2018	NS	NS	CP ALLEGED Os MISPLACED OR REMOVED CURRENCY
18-0117	9/11/2018	P			CP ALLEGED OFF DUTY O OF DOM VIOLENCE
18-0118	9/11/2018	12/6/2018	NS	NS	CP ALLEGED FPD EMP IS VIOLATING CHILD CUSTODY

DISCOURTEOUS TREATMENT OR CONDUCT UNBECOMING OF A POLICE OFFICER					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
18-0125	10/3/2018	P			DEPT ALLEGED OFF-DUTY O WAS ARRESTED
18-0137	10/22/2018	P			CP ALLEGED O1 & O2 WERE DISRESPECTFUL
18-0141	11/19/2018	P			DEPT ALLEGED O PROVIDED MISLEADING STATEMENTS AND WAS NOT TRAINED IN PIT MANEUVER
18-0147	12/6/2018	P			CP ALLEGED IMPROPER SEARCH & SEIZURE
18-0148	12/7/2018	P			O ALLEGED SGT MADE INAPPROPRIATE COMMENT
18-0149	12/7/2018	P			DEPT ALLEGED O AND SGT DID NOT PERFORM DUTIES
18-0154	12/7/2018	P			CP ALLEGED SGT MADE INAPPROPRIATE COMMENT

Each of the Discourteous Treatment or Conduct Unbecoming of a Police Officer cases where IA determined the findings were Not Sustained, Exonerated, or Unfounded were reviewed. Following a thorough review the IA findings were found to be appropriate.

IA VEHICLE ACCIDENTS					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
18-0063	5/21/2018	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
18-0065	5/28/2018	10/5/2018	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
18-0088	7/12/2018	11/6/2018	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
18-0089	7/12/2018	11/6/2018	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
18-0096	7/19/2018	10/10/2018	SUSP	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
18-0101	7/26/2018	10/15/2018	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
18-0105	8/1/2018	12/11/2018	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
18-0113	9/10/2018	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
18-0122	9/27/2018	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
18-0126	10/3/2018	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
18-0127	10/4/2018	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT

IA VEHICLE ACCIDENTS					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
18-0128	10/5/2018	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
18-0130	10/8/2018	11/5/2018	EX	EX	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
18-0144	11/28/2018	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
18-0145	11/28/2018	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
18-0157	12/15/2018	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
18-0158	12/20/2018	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT

The only Vehicle Accident case reviewed was IA2018-0130 since IA arrived at findings of Sustained or Suspended for the remaining cases. The review determined the IA finding was appropriate.

ADMINISTRATIVE OR PERFORMANCE MATTERS					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
18-0016	2/2/2018	P			DEPT ALLEGED IMPROPER USE OF FIREARM
18-0066	6/4/2018	11/5/2018	SUS	NR	DEPT ALLEGED O MISPLACED DEPT PROPERTY
18-0083	7/9/2018	P			CP ALLEGED O LOST/MISPLACED PROPERTY
18-0091	7/17/2018	P			DEPT ALLEGED O's UNATTENDED PATROL VEHICLE WAS STOLEN
18-0092	7/17/2018	10/11/2018	SUS	NR	DEPT ALLEGED FPD Os LOST PRISONER PROP
18-0093	7/17/2018	12/20/2018	SUS	NR	DEPT ALLEGED O HAD A NEGLIGENT DISCHARGE
18-0107	8/10/2018	10/5/2018	SUS	NR	DEPT ALLEGED O HAD A NEGLIGENT DISCHARGE
18-0120	9/19/2018	P			DEPT ALLEGED O DID NOT SECURE FPD PROPERTY
18-0121	9/27/2018	12/18/2018	SUS	NR	DEPT ALLEGED O DAMAGED PRISONER PROP
18-0123	9/28/2018	P			DEPT ALLEGED O FAILED TO LABEL BODY CAM VIDEO
18-0124	9/28/2018	P			DEPT ALLEGED O FAILED TO LABEL BODY CAM VIDEO
18-0133	10/22/2018	P			DEPT ALLEGED O1 & O2 DID NOT LOCATE WEAPON ON PRISONER

ADMINISTRATIVE OR PERFORMANCE MATTERS					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
18-0134	10/22/2018	10/25/2018	SUSP	NR	DEPT ALLEGED EMP FAILED TO PERFORM DUTIES
18-0138	11/1/2018	P			DEPT ALLEGED O LEFT FPD PROP UNATTENDED
18-0141	11/16/2018	P			CP ALLEGED O LOST/MISPLACED PROPERTY
18-0150	12/7/2018	P			DEPT ALLEGED O HAD A NEGLIGENT DISCHARGE
18-0153	12/7/2018	P			DEPT ALLEGED O MISPLACED FPD PROPERTY
18-0155	12/7/2018	P			DEPT ALLEGED O ENGAGED IN ACTIVITIES WHILE OUT ON WORK INJURY
18-0156	12/7/2018	P			DEPT ALLEGED O DISREGARDED DEPT MEMO

Each of the completed investigations by IA of Administrative or Performance Matters were deemed Sustained or Suspended. Therefore, the completed investigations were not reviewed by the OIR.

INFORMAL COMPLAINTS			
IC CASE NUMBER	COMPLETED DATE	ALLEGATION(S)/TYPE(S)-FPD FINDINGS	DISTRICT
18-0103	10/19/18	HARASSMENT - NOT SUSTAINED HARASSMENT - NOT SUSTAINED	SOUTHWEST
18-0104	10/19/18	PRISONER'S PROPERTY - LOST/DAMAGED/RETURN OF - NOT SUSTAINED PRISONER'S PROPERTY - LOST/DAMAGED/RETURN OF - NOT SUSTAINED	SOUTHWEST
18-0105	10/19/18	GENERAL CALL HANDLING - UNFOUNDED GENERAL CALL HANDLING - UNFOUNDED	NORTHEAST
18-0106	10/19/18	PROPERTY/EVIDENCE HANDLING - SUSTAINED	
18-0107	10/19/18	SEARCH/SEIZURE ISSUES - NOT SUSTAINED	SOUTHEAST
18-0108	10/19/18	DISCOURTEOUS - UNFOUNDED DISCOURTEOUS - UNFOUNDED	SOUTHEAST
18-0109	10/19/18	DISCOURTEOUS - UNFOUNDED DISCOURTEOUS - UNFOUNDED DISCOURTEOUS - UNFOUNDED DISCOURTEOUS - UNFOUNDED	SOUTHEAST
18-0110	10/19/18	GENERAL RESPONSIBILITIES - UNFOUNDED	NON-DISTRICT
18-0111	10/19/18	ARREST AUTHORITY/PROCEDURES - UNFOUNDED	NON-DISTRICT
18-0112	11/23/18	CONDUCT UNBECOMING ON/OFF DUTY - UNFOUNDED	NORTHWEST

INFORMAL COMPLAINTS			
IC CASE NUMBER	COMPLETED DATE	ALLEGATION(S)/TYPE(S)-FPD FINDINGS	DISTRICT
18-0113	11/23/18	PRISONER'S PROPERTY - LOST/DAMAGED/RETURN OF - SUSTAINED	CENTRAL
18-0114	11/23/18	SEARCH/SEIZURE ISSUES - NOT SUSTAINED SEARCH/SEIZURE ISSUES - NOT SUSTAINED SEARCH/SEIZURE ISSUES - NOT SUSTAINED SEARCH/SEIZURE ISSUES - NOT SUSTAINED	SOUTHEAST
18-0115	11/23/18	DISCOURTEOUS - EXONERATED	NON-DISTRICT
18-0116	11/23/18	DISCOURTEOUS - UNFOUNDED	SOUTHWEST
18-0117	11/23/18	GENERAL CALL HANDLING - UNFOUNDED	NORTHWEST
18-0118	11/23/18	PROPERTY- NOT DEPT OWNED - LOST/DAMAGED - UNFOUNDED	NON-DISTRICT
18-0119	11/23/18	CONDUCT UNBECOMING ON/OFF DUTY - UNFOUNDED	CENTRAL
18-0120	11/23/18	DISCRETION - UNFOUNDED	NORTHWEST
18-0121	11/23/18	ARREST AUTHORITY/PROCEDURES - UNFOUNDED ARREST AUTHORITY/PROCEDURES - UNFOUNDED	NORTHEAST
18-0122	11/23/18	PERFORMANCE - SUSTAINED	NON-DISTRICT
18-0123	11/23/18	DEPT PROPERTY - LOST - SUSTAINED	NON-DISTRICT
18-0124	11/23/18	UNREASONABLE FORCE - UNFOUNDED	CENTRAL
18-0125	11/23/18	GENERAL CALL HANDLING - UNFOUNDED	SOUTHEAST
18-0126	12/31/18	GENERAL RESPONSIBILITIES - UNFOUNDED	CENTRAL
18-0127	12/31/18	GENERAL CALL HANDLING - UNFOUNDED	NORTHWEST
18-0128	12/31/18	GENERAL RESPONSIBILITIES - UNFOUNDED	NON-DISTRICT
18-0129	12/31/18	ARREST AUTHORITY/PROCEDURES - SUSTAINED ARREST AUTHORITY/PROCEDURES - SUSTAINED	SOUTHEAST
18-0130	12/31/18	REPORT PREPARATION - FALSE/MISLEADING - UNFOUNDED	SOUTHWEST
18-0131	12/31/18	GENERAL RESPONSIBILITIES - UNFOUNDED	SOUTHEAST
18-0132	12/31/18	GENERAL RESPONSIBILITIES - UNFOUNDED GENERAL RESPONSIBILITIES - UNFOUNDED GENERAL RESPONSIBILITIES - UNFOUNDED GENERAL RESPONSIBILITIES - UNFOUNDED GENERAL RESPONSIBILITIES - UNFOUNDED	SOUTHEAST

Each of the charted 30 Informal Complaint cases were reviewed to confirm the assigned classification of the complaint, along with the FPD findings were appropriate. The review confirmed the complaints were properly assigned as Informal Complaints, along with the appropriate FPD findings indicated in the chart.

RECOMMENDATIONS BASED ON PATTERNS OBSERVED

During the course of reviewing cases and complaints, patterns may be observed which warrant recommendations in an attempt to minimize or eliminate the pattern from being repeated. The section below identify two patterns which were observed during the fourth quarter reviews.

The following are portions of the FPD Policy Manual, Policy 1020, created to provide guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of members of the FPD:

Policy 1020.1: *An inquiry involves a question about the policy or procedures of the Department. This type of communication usually stems from a lack of or faulty understanding of the circumstances of a member's conduct or of the policies, rules, and procedures of the Department. An inquiry may be resolved by the member in question or by his/her immediate supervisor, whereas a complaint may require a more extensive internal administrative investigation. A resolved inquiry may be documented on an Inquiry Complaint Form (ICF).*

Once the inquiry is received by FPD, policy requires the complainant is to be contacted by the member's (officer or employee) immediate supervisor within two working days:

Policy 1020.2: *Supervisors assigned to handle an inquiry/complaint shall ensure that the inquirer/complainant is re-contacted within two working days of the supervisor receiving the inquiry/complaint.*

During the course of reviewing the above process in obtaining details from complainants, it was discovered not all complainants were advised their telephonic interviews were being recorded. In the fourth quarter OIR review at least three telephonic interviews were conducted by FPD immediate supervisors where the complainant was not informed the telephone call was being recorded.

Although the following FPD policy appears within the Body Worn Camera section of the manual, the reference is being made to California Penal Code §632 regarding recordings:

450.18 KNOWLEDGE OF RECORDING

PC §632 prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation was private or confidential, however PC §633 expressly exempts law enforcement from this prohibition during the course of a criminal investigation.

Any sworn member may surreptitiously record conversations during the normal course of duty for a criminal investigation in which the sworn member reasonably believes that such a recording will be beneficial to the investigation.

- (a) Any sworn member contacting an individual suspected of violating any law or during the course of any official law enforcement related activity shall be presumed to be engaged in a criminal investigation. This presumption shall not apply to contacts with other sworn members conducted solely for administrative purposes.
- (b) Any individual contacted by a sworn Department member wearing a conspicuously mounted recording device will be deemed to have knowledge that such a contact is being recorded.

Many times the determination of what level the complaint is handled at are not made until after the details of the complaint are obtained by the immediate supervisor and before an IA investigator is assigned. Because of the infrequent tasking, immediate supervisors initiating the calls to the complainants may not have the same level of experience or understanding of the notification requirements when making the contacts. As summarized above, with the exception of criminal investigations, surreptitiously recordings are prohibited in the State of California.

There are also benefits to both the complainant and the FPD when the notifications are made for recorded telephone interviews. The complainant will feel a level of assurance knowing the FPD is taking the matter seriously by documenting the complaint verbatim and not solely in a written summary report after the fact. The FPD also benefits when the complainant is informed of the recording in the event the complainant is tempted to embellish or deviate from the actual details of the incident.

On December 11, 2018, a meeting was held with Chief Dyer regarding this topic. Chief Dyer recognized the need to remind the staff of the above requirement. Within 24 hours of the meeting Chief Dyer issued an All Department Personnel Memorandum with specific details of the department requirement for recorded statements for administrative investigations. In view of the expeditious action taken by Chief Dyer it is apparent the FPD desires full compliance by department personnel regardless of the level of potential infraction.

RECOMMENDATION #2: It is recognized these oversights are partly due to the infrequent assignments to immediate level supervisors. Therefore, to avoid the oversights it is recommended the internal form or document used when the tasking is directed to an immediate supervisor contain language which reminds the supervisor of the need to advise the complainant the call is being recorded.

Another pattern observed during the review of the complaint investigations was the inadvertent loss of an individual's personal property following their arrest or detention. In the past year there have been 13 instances involving the loss or damage to a prisoner/detainee's property. In each case it was determined the loss or damage incurred was not intentional on the part of the officer. Many times the officer placed the property on the trunk of the patrol car while the person was being detained or arrested. There were also times where an officer placed the property on the trunk of another patrol car, not the one they were driving. Removal of the property is an essential step for officer safety purposes before the person is placed into a patrol vehicle or even during the identification process to ensure the person is not armed. Once the person is secured and the officers drive off forgetting or not knowing the property is on their patrol car.

On February 21, 2018, the FPD recognized the ongoing issue and revised their internal Procedure Manual, Procedure 321, to include the following language:

Members shall ensure that a prisoner's property is secured and not damaged while in the member's care. Members should refrain from placing a prisoner's property on their patrol vehicle whenever possible to minimize the risk of inadvertently leaving it there prior to transport.

In addition to the discipline levied against the officers the City of Fresno receives claims for monetary reimbursement by the complainants. The claims filed by complainants have ranged from inexpensive items to costly smartphones.

RECOMMENDATION #3: In view of the language added to the Procedure 321 which formally addressed the issue, it is recommended periodic oral reminders be made at briefings by patrol supervisors. It is recognized officers are faced with an abundance of responsibilities and routinely are responding from one call to another without a break between calls. An oral reminder may not totally eliminate the issue, but it will aid in reducing the number of incidents if the supervisors deliver the periodic reminders.

THIRD UPDATE TO THE 9-1-1 CALL MATTER

Issues dealing with delays in the FPD answering 9-1-1 emergency calls were outlined in the second quarter OIR report. A follow-up on the actions taken by the FPD to address the shortage of Emergency Services Dispatchers (ESD) appeared in the third quarter OIR report. The Fresno City Council was responsible for additional action taking place during the fourth quarter of 2018. On November 8, 2018, the Fresno City Council unanimously approved the funding for eight additional ESDs for the FPD. The OIR will monitor the 9-1-1 call response times to ascertain if the additional ESDs will result in the FPD meeting the state requirement of 95% of 9-1-1 calls being answered within 15 seconds.

REPORT SUMMARY

Below are the levels of discipline implemented by the FPD for officers and employees who were determined to be in violation of FPD Policies or Procedures:

DISCIPLINE ISSUED	2013	2014	2015	2016	2017	2018
TERMINATIONS	5	3	5	7	3	2
RESIGNED IN LIEU OF	1	1	0	0	1	0
RETIRED	0	0	0	0	0	0
DEMOTION	0	0	0	0	0	0
SUSPENDED	15	14	13	16	19	21
PAYMENT IN LIEU OF	0	1	0	0	0	1
FINES	0	0	1	0	0	0
LETTERS OF REPRIMAND	11	7	11	9	9	9
TOTAL	32	26	30	32	32	33

The intent of the quarterly report is to ensure the residents of Fresno there is a neutral review conducted of the FPD's actions, to include when a complaint is filed. The previous report stated there were no recommendations issued. However, it was also stated regardless of the absence of identified issues the OIR would continue to thoroughly review each of completed IA investigations and render a finding from this office. As indicated within the Unreasonable Force investigations, the OIR arrived at a finding which differed from the finding by the FPD IA for one case. It should be pointed out two portions of the Unreasonable Force case review resulted in Exonerated findings, with the third and final aspect being Sustained.

If you would like the OIR to speak to your group or organization please contact our office at the number or email listed below. Residents are once again reminded there is a process in place to review, and if warranted, initiate an investigation. Also, answers to questions regarding this process can be found on the OIR website, or by contacting the OIR directly at the following telephone number or email address:

<https://www.fresno.gov/citymanager/office-of-independent-review/>

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John A. Gliatta
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